

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAQUILLE A. THORNHILL,

Defendant.

8:21-CR-135

**ORDER REGARDING
MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION**

This matter is before the Court on the Magistrate Judge's Findings and Recommendation on a Plea of Guilty ([Filing 30](#)) recommending that the Court accept the defendant's plea of guilty to Count I of the Indictment. There are no objections to the findings and recommendation. Nonetheless, the Court declines to adopt the findings and recommendation at this time.

Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(C\)](#) and [NECrimR 11.2\(d\)](#), the Court has conducted a de novo review of the record. Count I of the Indictment charges Defendant with violating [18 U.S.C. § 2422\(b\)](#). [Filing 13](#). Under the Justice for Victims of Trafficking Act of 2015 ("JVTA"), [18 U.S.C. § 3014\(a\)\(3\)](#), the court shall assess any non-indigent person convicted of an offense under Chapter 117 of Title 18 an amount of \$5,000. [18 U.S.C. § 2422\(b\)](#) falls under Chapter 117.

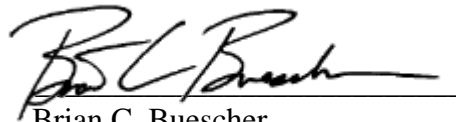
The Plea Agreement, [Filing 35 at 3](#), indicates Defendant is subject to the \$5,000 assessment. However, Defendant's Petition to Enter a Plea of Guilty, [Filing 34](#), omits any mention of the JVTA assessment, and the defendant was not specifically advised of the assessment at his change-of-plea hearing. [Filing 36 at 9](#). Out of an abundance of caution, it is the Court's intent to further inquire into this matter at the sentencing hearing set for March 9, 2022. [Filing 31](#). At that time, the Court will decide whether Defendant's plea of guilty should be accepted and whether the matter should proceed directly to sentencing.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation on a Plea of Guilty, [Filing 30](#), is held in abeyance;
2. This matter will be addressed at the sentencing hearing set for March 9, 2022; and
3. This case shall provisionally proceed to sentencing.

Dated this 21st day of January, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", is written over a horizontal line.

Brian C. Buescher
United States District Judge